

FILED

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

MAR - 3 2008

JOHN F. CORCORAN, CLERK  
BY:  DEPUTY CLERK

United States of America )

v. )

David Servin-Terrasas )

Case No: 4:06CR000004-001

USM No: 11956-084

Date of Previous Judgment: September 6, 2006 )

(Use Date of Last Amended Judgment if Applicable) )

Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

## I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain): \_\_\_\_\_

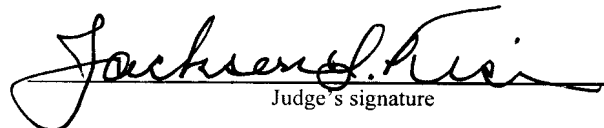
## III. ADDITIONAL COMMENTS

Defendant was already sentenced to the statutory minimum, and thus is ineligible for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(2).

Except as provided above, all provisions of the judgment dated 9/6/2006 shall remain in effect.

IT IS SO ORDERED.

Order Date: 3/3/08

  
 Judge's signature

 Effective Date: 3/3/08  
 (if different from order date)

 Jackson Kiser, Senior United States District Judge  
 Printed name and title